



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	120A	Dispute Resolution	12/9/2008
Subchapter:	2	General Provisions For Division Dispute Resolution And Administrative Hearings	
Section	9	Accessibility of records (N.J.A.C. 10:120A-2.9)	

§10:120A-2.9 Accessibility of records

(a) The Division shall advise the appellant of the accessibility of records and any limits of such accessibility at the time the request for a dispositional review or administrative hearing is granted, in accordance with this section.

1. The appellant, or his or her representative with the appellant's authorization in writing, shall have adequate opportunity to examine such portions of the appellant's case file and all documents and records to be used by the Division to reach a conclusion at the administrative hearing or dispositional review at a reasonable time before the date of the administrative hearing or dispositional review, as well as during the administrative hearing or dispositional review, except as limited by:

i. The Adoption Assistance and Child Welfare Act, 42 U.S.C.

§ 671(a)(8) and regulations promulgated thereunder, as from time to time amended, applicable State laws, and N.J.A.C. 10:133G;

ii. 45 C.F.R. 205.50, as made applicable by 45 C.F.R. 1355.21; or

iii. N.J.S.A. 9:6-8.10a and N.J.A.C. 10:133G, which limit the provision of information which constitutes child abuse or neglect records or reports to the appellant, his or her representative or the OAL, except under circumstances expressly authorized by N.J.S.A. 9:6-8.10a and Federal regulations;

2. The appellant or his or her representative may apply for relief of any limits of access to records due to confidentiality, if desired by the appellant, to a court of competent jurisdiction at any point in the dispute resolution process; and

3. A Division representative shall provide to the appellant an edited version of confidential reports and all documents and records used by the agency to reach the disputed conclusion when confidential information pursuant to 45 C.F.R. 205.50, 45 C.F.R. 1355.21, N.J.S.A. 9:6-8.10a, and N.J.A.C. 10:133G or information which constitutes child abuse/neglect information is embedded in the files, documents and records.